IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

Crl.Rev.Pet.No. 142 of 1999()

CRA NO.174/1997 OF THE ADDITIONAL SESSIONS COURT, MAVELIKARA
CC NO.648/1995 OF JUDICIAL FIRST CLASS MAGISTRATE-II,CHENGANNUR

REVN. PETITIONER/APPELLANT/ACCUSED:

JANAMMA, D/O.KUTTY,
KANNANKARA VEEDU, PADANAD,
KIZHAKKUM MURI, CHENGANNOOR.

BY ADV. SRI.S.MUHAMMED HANEEFF

RESPONDENT/RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
EXCISE INSPECTOR, CHENGANNOOR RANGE,
REPRESENTED BY THE STATE PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR MR.P.RAVINDRA BABU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.K. BALI, C.J.

Crl.R.P.No.142 of 1999

Dated, this the 22nd day of November, 2006

ORDER

V.K.Bali,C.J.(Oral)

The petitioner was tried for offence under Section 55(g) of the Abkari Act and sentenced to undergo simple imprisonment for one day, i.e. till the rising of the court and to pay a fine of Rs.25,000/- and in default of payment of fine to undergo simple imprisonment for three months more, vide order dated 5th September, 1997 passed by the Judicial First Class Magistrate-II, Chengannur. The appeal carried against the order aforesaid was dismissed by the learned Additional Sessions Judge-I, Mavelikkara, vide order dated 10th September, 1998. It is against these two orders that the present revision has been filed.

2. The allegation against the petitioner was that on 14.9.1995 at 8 P.M. the Assistant Sub Inspector of Police and party seized 40 litres of Wash from the house of the petitioner which was kept in two plastic cans intended for illicit distillation.

3. The learned counsel appearing for the petitioner without joining issues on the merits of the case contends that the occurrence pertains to the year 1995 and in the manner

aforesaid the petitioner has already suffered agony of a protracted trial spanned over a period of more than 11 years and she may not be imposed with such a heavy fine at this stage.

4. In totality of the facts and circumstances of the case, this Court is of the view that interests of justice will be served if while maintaining the order of conviction against the petitioner the fine of Rs.25000/- imposed by the courts below is reduced to Rs.Ten thousand. Ordered accordingly.

Revision petition is disposed of accordingly.

V.K. BALI,
CHIEF JUSTICE.

vns